

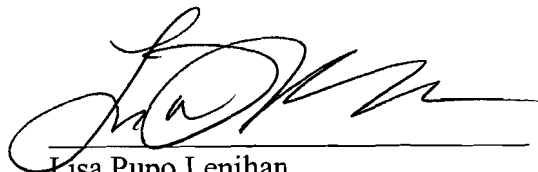
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|  |   |                                    |
|--|---|------------------------------------|
| DAVID JOSEPH MUNCHINSKI,               | ) |                                    |
|  | ) |                                    |
| Plaintiff,                             | ) | Civil Action No. 03-788            |
|  | ) |                                    |
| vs.                                    | ) | Judge Alan N. Bloch                |
|  | ) | Magistrate Judge Lisa Pupo Lenihan |
| WEXFORD HEALTH SERVICES, INC.;         | ) |                                    |
| EUGENE GINCHEREAU, M.D., Medical       | ) | Doc. Nos. 90, 91                   |
| Director; PAUL NOEL, M.D., Wexford     | ) |                                    |
| Regional Medical Director for Western  | ) |                                    |
| Pennsylvania; JOAN DELIE, Correctional | ) |                                    |
| Health Care Administrator; NEAL K.     | ) |                                    |
| MECHLING, Facility Manager,            | ) |                                    |
| SCI-Pittsburgh; and PRISON HEALTH      | ) |                                    |
| SERVICES INC.,                         | ) |                                    |
| Defendants.                            | ) |                                    |

**ORDER**

On July 22, 2005 Defendants Wexford Health Services, Inc. and Defendants Paul Noel, M.D. and Prison Health Services, Inc. filed separate motions to strike Plaintiff's Motion for Summary Judgment filed on July 19, 2005. **IT IS ORDERED** this 3rd day of March, 2006, that Defendants' Motions are **DENIED**.

**IT IS FURTHER ORDERED** that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

  
Lisa Pupo Lenihan  
United States Magistrate Judge

cc: David J. Munchinski  
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